

REMARKS

The change in the Examiner is noted.

The claims have been amended to address the 112 rejections and to better define the claimed invention and to better distinguish the claimed invention from the prior art. More particularly, claims 6-8, 10, 14 and 15 have been amended to employ the specific terms consistent with the comments of the previous Examiner as discussed on pages 3-6 of the previous Office Action. The Examiner is respectfully requested to telephone the undersigned attorney to discuss any other language issues that may still be present in the claims.

And, while it is believed the claims as presently pending adequately define over the prior art, in order to stress a further distinguishing feature, independent claim 1 has been amended to specify that the plurality of flexible layers are "overlying one another". It is submitted none of the applied art teaches or suggests the combination of features specified by claim 1, as amended.

Independent claim 1, the sole independent claim pending in the Application, requires, in part:

"a plurality of flexible layers overlying one another in the following stacked order:

- a flexible base sealing layer;
- a flexible thin film battery layer;
- a flexible electrical circuitry layer;
- a flexible thin film photovoltaic layer to produce electricity;
- an illuminator layer; and
- a protective surface..."

HAYES SOLOWAY P.C.
4640 E. SKYLINE DRIVE
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Thus, Applicant's claimed invention is a laminated structure of a plurality of layers. As discussed in the penultimate paragraph of Applicant's specification, this structure permits roll-to-roll manufacturing.

The primary reference Murasko is quite different. While Murasko admittedly includes a number of layers, in Murasko, the layers do not all overly one another. Rather, in Murasko, the electroluminescent lamp 106 (in Fig. 1) or light emitting device 206 (Fig. 2) is mounted directly to the substrate 102 or 202, respectively. Similarly, the power supply 104 (Fig. 1) or battery 204 (Fig. 2) is mounted directly to the substrate 102 or 202, respectively. In no case do the other layers overlay the lamp or light emitting device, or the power supply or battery. Applicant's claimed invention as defined by claim 1 is quite different in requiring the battery layer, circuitry layer, photovoltaic layer, eliminator layer, etc. to overly one another.

Moreover, this distinction is more than merely academic. As noted *supra*, Applicant's claimed construction permits roll-to-roll lamination manufacturing which is not possible with Murasko.

In the rejection, the Examiner acknowledges Murasko "does not appear to explicitly disclose an illumination device wherein (1) the claimed layers are stacked in order with the electrical circuitry layer sandwiched directly between the battery layer and the photovoltaic layer and wherein (2) an adhesive having a removable covering is applied to said protective surface or base sealing layer". Applicant agrees. However, the Examiner takes the position that the "rear arrangement of parts (sic) is a matter of design choice". Actually, as noted *supra*, Applicant's claimed invention is more than merely a re-arrangement of parts. Applicant's claimed invention is a true laminated structure having a plurality of flexible layers overlying one another. Even assuming *arguendo* the Examiner's characterization of "flexible" which

HAYES SOLOWAY P.C.
4640 E. SKYLINE DRIVE
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Applicant does not concede, the Examiner's proposed application of Murasko to the claims is misplaced.

Furthermore, it is not seen that the secondary reference Curtin supplies the missing teachings to Murasko to achieve or render obvious claim 1. The Examiner cites Curtin as teaching a photovoltaic device having an adhesive with a removable cover and is acknowledged as so teaching. However, the more basic and essential feature is missing from Murasko vis-à-vis claim 1 are not supplied by Murasko. Accordingly, no combination of Murasko and Curtin reasonably could be said to achieve or render obvious claim 1.

Claims 5-11, 14-33 and 36-38 all depend directly or indirectly on claim 1, and are patentable over the applied art for the same reasons above adduced relative to claim 1, as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Reg. No. 24,315

HAYES SOLOWAY P.C.
4640 E. SKYLINE DRIVE
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted with the United States Patent and Trademark Office (USPTO) electronic filing system (EFS-Web) to the USPTO on April 14, 2012 at Tucson, Arizona.

By 
Patricia L. Sorenson

NPS:ps

HAYES SOLOWAY P.C.
4640 E. SKYLINE DRIVE
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567